THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 20931 of 2005

Dated: 26.09.2005

Between:

Syed Mazhar Ali, S/o.Syed Sabir Ali,
R/o.H.No.3-5-781/9, King Koti, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer,

Regional Passport Office, Near clock Tower,

Secunderabad.

.....RESPONDENT

ORDER:

Challenging the action of the respondent in not altering/correcting the date of birth of the petitioner in his passport bearing No.L718816 as per his Secondary School Certificate, the present writ petition is filed.

It is represented that this matter is squarely covered by the judgment of this Court in the case of ***Mohd. Nasrullah Khan Vs. Regional Passport Officer, Hyderabad***. Following the said judgment, the respondent is directed to consider the application of the petitioner along with the certificate issued by the competent authority and pass appropriate orders as per the guidelines issued by the Government of India, which are reproduced hereunder, within a period of two months from the date of receipt of a copy of this order.

> "(a) Where an applicant is seeking rectification/correction of a mistake in the entry on the date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1977, a competent authority issuing a certificate could also make necessary amendments to the same.
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> © Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e,. school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e, municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

The writ petition is accordingly disposed of. No costs.

26.09.2005

Note: Furnish C.C. in two days.

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